

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARGIE McRAE,	)	CIVIL ACTION NO. 06-1999 MJJ
)	
Plaintiff,	)	RESPONSE TO
	)	SUPPLEMENTAL
	)	DECLARATION
	)	OF U.S. ATTORNEY
vs.	)	JONATHAN U. LEE
)	
JOANNE BARNHART, Commissioner of	)	MOTION TO DISMISS
the SOCIAL SECURITY)	
ADMINISTRATION, MARK W. EVERSON,)	
Commissioner of the INTERNAL REVENUE	)	Date: November 14, 2006
SERVICE, KAREN GILES AND PHYLLIS	)	Time: 9:30 a.m.
SCADUTO,	)	Place: Courtroom 11, 19 th Floor
	)	450 Golden Gate Avenue
Defendants.	)	San Francisco, CA
	)	Judge: Hon. Martin Jenkins
_____)	

DECLARATION OF MARGIE McRAE, M.D.

I, Margie McRae, M.D., plaintiff, declare, under penalty of perjury under the laws of the united States:

2. U.S. Attorney Lee, correctly, noted that I did not serve the United States Attorney General or the Commissioners of the Social Security Administration or Internal Revenue Service by certified mail.

3. Omitted is the fact that I did serve the United States Attorney for the Northern District of California by certified mail within the statutory time allowed. The complaint was filed on March 16, 2006 and the record shows a return receipt signed by the Civil

Process Clerk on May 16, 2006.

4. This satisfies Federal Rules of Civil Procedure 4(i)(3):

“The court shall allow a reasonable time to serve process under Rule 4(i) for the purpose of curing the failure to serve:

(A) all persons required to be served in an action governed by Rule 4(i)(2)(A), if the plaintiff has served either the United States Attorney or the Attorney General of the United States,...

5. The United States Attorney was served after Attorney Lee’s letter to me about deficient service. For that reason, I knew he was right about that deficiency, which was corrected. I did not anticipate that personal service on the other parties by experienced process servers was not an acceptable alternative under the statute, as it required more effort and expense than certified mail and seemed even more certain.

6. Exhibit A is proof of service by certified mail to the United States Attorney General and the Commissioners for the Social Security Administration and the Internal Revenue Service.

BY: _____


MARGIE McRAE, Plaintiff

Dated: October 2006

BYRON RUMFORD STATION
OAKLAND, California
946129996
0555110005 -0097
11/08/2006 (510)251-3031 11:33:56 AM

Product Description	Sale Qty	Unit Price	Final Price
WASHINGTON DC 20224			\$4.05
Priority Mail			
14.80 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70051820000506161899		

Issue PVI: \$8.30

BALTIMORE MD 21235			\$4.05
Priority Mail			
14.80 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70051820000506161882		

Issue PVI: \$8.30

WASHINGTON DC 20004			\$4.05
Priority Mail			
14.80 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70051820000506172994		

Issue PVI: \$8.30

Total: \$24.90

Paid by:
Cash \$100.00
Change Due: -\$75.10

Bill #: 1000302130249
Clerk: 04

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Sent To: *Arturo Gonzalez, Attorney General U.S.*
Department of Justice
Street, Apt. No., or PO Box No. *950 Pennsylvania Ave, NW*
City, State, ZIP+4 *Washington, D.C. 20004*
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CERTIFICATE OF SERVICE

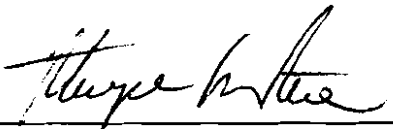
I, Margie McRae, certify that I served the following on defendants:

**RESPONSE TO SUPPLEMENTAL DECLARATION OF U.S. ATTORNEY
JONATHAN U. LEE - MOTION TO DISMISS**

by placing a copy in the U.S. mail addressed to:

**Asst. U.S. Attorney Jonathan U. Lee
N.D. California, 10th FL Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102-3495**

BY:



MARGIE McRAE, M.D., Plaintiff

Dated: November 8, 2006